

**MADISON COUNTY PLANNING BOARD  
MEETING MINUTES  
January 26, 2009**

**1. Call to Order – 6:13 p.m.**

**2. Roll Call**

Members Present: Lane Adamson, Dorothy Davis, Kathy Looney, John Lounsbury, Don Loyd (*arrived 6:25*), Dave Maddison, Eileen Pearce, Laurie Schmidt

Members Absent:

Staff Present: Charity Fechter, Jim Jarvis, Leona Stredwick

Others Present: Jan Kluver, Donna Jones

**3. Minutes**

Corrections: double period on page 2.

**MOTION: To approve the minutes of the November 24, 2008 meeting with corrections. Moved by Laurie Schmidt; seconded by Eileen Pearce. Motion passed unanimously.**

**4. President's Comments**

Would like to add the Pledge of Allegiance to the beginning of each meeting. It was decided that as long as the meetings were to start on time, there were no objections. So saying, the Board and Visitors rose and recited the Pledge of Allegiance.

Jan Kluver's presence was acknowledged as the likely new Conservation District member.

**5. Opportunity for Public Comment**

As requested by the Public, the Board agreed to hold this item to allow comment after the Streamside report.

**6. Public Hearings (6:15)**

- A. Amending the Madison County Subdivision Review Fee Schedule. Proposed changes reviewed by Charity Fechter as presented in the packet and on file.

**Comments/Questions from the Public:** none

**Comments/Questions from the Board:**

- How do our fees match other counties? *Our base fees seem to be higher but other counties have many more additional fees which make up the difference.*

**MOTION: Recommend that the Commissioners approve the new fee schedule as proposed. Moved by Dave Maddison; seconded by Kathy Looney. Motion passed unanimously.**

The proposed change will go to the Commissioners as a “resolution of intent to adopt” an ordinance changing the fee schedule. The ordinance requires two Public Readings and a public hearing before it can be officially adopted.

## 7. Pre-Application

- A. **Smiling Moose Minor Subdivision** – Review by Charity Fechter as presented in the packet and on file. A last minute letter from Commissioner Hart was read regarding his recommendation to move the cul de sac to the property line. This letter is on file. Tom Henesh – Developer’s representative on the project added that the intent of this subdivision is to create value in order to place it under a conservation easement. The owners have already placed 700 acres nearby in conservation easement. Recognizes that there is no guarantee this will be placed in an easement, so it must be reviewed as a subdivision. Agreed that the road could be relocated.

### Comments/Questions from the Board:

- Winter access is an issue; the area has a heavy snow load.
- Will there be covenants? *Yes*
- Any further splits allowed? *No*
- Who did the Conservation Easements on the other acreage? *Wasn’t sure*
- Did this require a site tour? Other board members felt that a site tour was not needed. It was decided that if another subdivision came up in that area a combined site tour might still be scheduled.
- Willing to do the cultural inventory as recommended by the Montana Historical Society? *Yes.*
- If houses are to be built, more information will need to be provided at the Preliminary stage.
- What about the mountain vetch? *Has not been considered an issue since ground won’t be broken.*

## 8. Old Business

A. **Development Impact Fees** – Review by Charity Fechter. First meeting held in the beginning of January to educate and give an overview of Impact fees. Michael Kakuk (writer of the legislation) is waiting for the accumulation of more information from the Services agencies (roads, emergency, water/sewer) before scheduling another meeting of the Impact Fee Committee.

### Comments/Questions from the Board:

- Kathy Looney (on the Impact Fee Committee) would like to have Mr. Kakuk speak to the Planning Board. *Charity will see what can be done about that.*
- TischlerBise study seemed to indicate more money needed to do a second study. *This process is essentially the second study that TischlerBise referred to. Kakuk feels this can be done at the local level without unnecessary spending.*
- Is MACO willing to invest in this process? *MACO and other counties have contributed to have Kakuk work with Madison County to create the template for the process.*
- Is there more legislation coming up that will make this more user friendly if needed? *This process is being done now so that Kakuk can determine if the current statute needs re-writing.*

D. **Streamside Report** – in the interest of the public that was waiting for this topic, this report was moved ahead. Jim Jarvis reviewed his report as included in the packet and on file.

**Comments/Questions from the Board:**

- Input from Fish, Wildlife, & Parks? *Pat Clancy is the accepted biologist on the committee. Specific comments from FW&P are always welcome.*
- What are we seeing from other counties either working on this type of thing or already have in place? *Missoula County seems to have the most sophisticated and the oldest policy. Missoula has a base rule and also negotiates beyond that on a case by case basis.*
- Any discussion regarding mapping areas ahead of time so that potential purchasers can see in advance? *The next meeting will address that topic and make the need more apparent. At this time, there has not been any discussion for that specific recommendation.*
- Is the set-back number related to any scientific evidence? *Yes and no. Scientific studies suggest various set-backs depending on what is being protected; 100 feet is very common.*
- Many independent biologists and agencies are looking at spatial limitations in regard to corridors, habitat, wildlife movement, etc. In February new information will be presented at the Madison Valley Wildlife Meeting. In the past, when 500 feet set-backs were suggested, the argument was that this was just an arbitrary number.
- Good idea to review set-backs with the intent to validate where the numbers came from.
- A representative from the North part of the County has stepped up. *That person will be added in rather than shift the current committee dynamics.*

**Comments/Questions from the Public:**

Donna Jones, resident of the Madison Valley, made the following comments

- Moved to the County in 1980. Has background in Animal Science and is now involved in real estate. Has been on the Streamside Committee since it began. Jim Jarvis is doing a great job.
- Legalese, public hearings and the process in general are complicated and make it difficult for the public to get involved.
- Wants to make sure that the set-backs are fair and equitable to all.
- Is committed to water quality.
- Who will pay for law suits?
- Some lot owners were told they could build wherever they wished and now they can't. People need to be told.
- Some lots aren't wide enough for the proposed set-back.
- Sanitarian said the sanitation set-backs will protect the water. Currently proposed Streamside set-backs create an additional 50 foot set-back beyond sanitation requirements. *(editorial note – no changes to the sanitation setback are being proposed)*
- Existing buildings will not be affected, but if someone wants/needs to change their house (i.e. a house fire) rebuilding can still occur right next to the water.
- Would like to see minutes taken and not just a summary.
- Education versus regulation.
- Keep the variance process simple.

**Comments/Questions from the Board to the Public:**

- Are you for or against? *Both. It was very timely. Against having to build 150 feet back if my house burns down.*

### **Further Discussion by the Board:**

- When the proposal comes before the Planning Board the hope is that the Board will not usurp the work that's been done.
- Janet Ellis should be invited to a Board meeting. Concern is that the county has a history of public feedback, presumably based on science to determine set-backs. We need to be consistent with the current regulations.
- Concern regarding a 500' set-back for subdivisions and now 50' is being discussed for streamside set-backs outside of subdivision regulations.
- It is hoped that the subdivision set-back supersedes the individual lot set-backs being proposed. *The Streamside set-back is not to be applied to subdivisions.*
- Properties built before 1993 have no set-backs at all.
- New knowledge and science exist now that did not in 1993; strange to pick numbers not based on new information.
- Large parcel carving allows government to step in. Science may support a 500' set-back but is it appropriate to impose on previously existing parcels?

**B. Plan Development** – Charity requested a subcommittee to look into this and report back to the Board. Laurie, Lane and David volunteered; Charity will schedule a meeting with them.

### **C. Subdivision Regulations**

- a. Cluster Development – Jim Jarvis reviewed the report as handed out and on file.

#### **Questions/comments by the Board:**

- Leave out a minimum lot criteria.
  - Wiser use; fewer roads.
  - PUD stresses preserving open space for smaller areas.
  - Conservation easements need to have lots big enough to make it worthwhile to the easement holders. Research limitations on the size of conservation easement.
  - How will this be done? Who will hold the easements?
  - Item D (which is?????) of report needs to track with DEQ requirements.
  - Request for Jim to split out State requirements vs. recommendations.
  - Point G – MCA code? *Must set a maximum size, 5 acres is pretty general. Otherwise, sprawl can still occur.*
  - Request to have Jim look into why developers with this option available aren't using it – why is cluster development considered vague and/or complicated?
- b. Other changes – Charity Fechter commented that this is a carryover, and staff will combine multiple changes for consideration at one time.

## **9. New Business**

### **A. Calendar -**

**MOTION: To approve the 2009 Calendar as presented in the packet and on file. Moved by Dave Maddison; seconded by Don Loyd. Motion passed unanimously.**

### **B. Planning Board Applications** –

- ❖ Conservation District - Letter of recommendation appointing Jan Kluver as their representative.

**MOTION: To recommend the appointment of Jan Kluver as the Conservation District representative to the Madison County Board of Commissioners. Moved by Laurie Schmidt; seconded by Dorothy Davis. Motion passed unanimously.**

- ❖ Town of Twin Bridges – Commissioners tabled an appointment as requested by the town to give them time to meet and discuss.
- ❖ Twin Bridges area representative – Richard Meehan and Dawn Hagedorn applied. Board discussed advantageous points for both. It was decided to leave the final decision to the Board of Commissioners, noting that there were positive comments on both applicants.

**E. Other – Board Elections –**

Nominating committee of Laurie Schmidt & Lane Adamson nominated as follows:

John Lounsbury for President

Kathy Looney for Vice President.

**MOTION: To close nominations. Moved by Laurie Schmidt; seconded by Lane Adamson. Motion passed unanimously.**

**MOTION: Don Loyd moved to elect by acclamation – carried unanimously.**

**C. Planning Board Member Reports:**

- Lane – Growth Solutions is currently out of money to fund the facilitator. Forums are scheduled for later this year. Will plan tours and forums as they get closer.

**D. Planning Office Report:** Charity Fechter reviewed as included in packet and on file.

**Comments/Questions:**

- Any further information from the Ennis Planning Board regarding our Planning office doing reviews for them? *Not as yet.*
- Any new developments regarding wind farms on Norris Hill? *Nothing new.*

**10. Adjournment**

**MOTION: To adjourn the meeting. Moved by Dave Maddison; seconded by Dorothy Davis. Motion passed unanimously.**

**Meeting adjourned at 8:25 p.m.**

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**John Lounsbury, President   Leona Stredwick, Secretary**